STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7709

Petition New England Power Company, d/b/a	)
National Grid ("NEP"), for a certificate of public	)
good pursuant to 30 V.S.A. § 248(j) authorizing	)
the reconductoring and refurbishment of a	)
portion of its existing 115 kV transmission lines	)
("A127/B128 line") within the Towns of	)
Readsboro and Whitingham, Vermont	)

Order entered: 4/7/2011

I. INTRODUCTION

This docket involves a petition filed by New England Power Company, d/b/a National Grid ("NEP"), requesting a certificate of public good ("CPG") under 30 V.S.A. § 248(j) for the reconductoring and refurbishment of a portion of NEP's existing 115 kV transmission lines ("A127/B128 line") located within the Towns of Readsboro and Whitingham, Vermont (the "Project"). In today's Order, we conclude that the Project will be of limited size and scope, the petition does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248, the public interest is satisfied by the procedures authorized by 30 V.S.A. § 248(j); and the Project will promote the general good of the state.

II. PROCEDURAL HISTORY

On January 11, 2011, NEP filed a petition with the Public Service Board ("Board") pursuant to 30 V.S.A. § 248(j) for a CPG authorizing the Project. NEP submitted prefiled testimony, proposed findings, and a proposed order pursuant to the requirements of 30 V.S.A. § 248(j).

On February 2, 2011, notice of the filing in this Docket was posted on the Board's website and sent to all parties specified in 30 V.S.A. § 248(a)(4)(C) and all other interested persons. The notice stated that any party wishing to submit comments as to whether the petition raises a

significant issue with respect to the substantive criteria of 30 V.S.A. § 248 must file its comments with the Board on or before March 2, 2011.

On February 2, 2011, the Board requested additional information concerning the petition and on February 17, 2011, NEP filed the requested information.

On February 18, 2011, NEP filed a supplemental exhibit and a proposed revision to its original January 11 Proposal For Decision ("PFD").

On March 3, 2011, the Windham Regional Commission filed a letter with comments regarding the potential environmental impacts of the proposed project.

On March 8, 2011, the Vermont Department of Public Service ("Department") filed a letter stating that the petition does not raise any significant issues with respect to the substantive criteria of 30 V.S.A. § 248. Also, on March 8, 2011, the Department filed a determination that the proposed project is consistent with the *Vermont Electric Plan*, in accordance with 30 V.S.A. § 202(f).

On March 29, 2011, NEP filed revisions to exh. SPD-2 and a paragraph of the January 11 PFD.

No other comments were received.

III. FINDINGS

1. NEP is a subsidiary of National Grid USA, a Delaware Corporation, which is a subsidiary of National Grid plc. NEP is a Massachusetts corporation engaging primarily in the business of wholesale transmission of electricity and is qualified to transact business in Vermont as a foreign corporation. Petition at 1.

2. The proposed project is part of NEP's larger A127/B128W Reconductoring and Refurbishment Project, which will involve reconductoring and shield wire replacement on an approximately 2.5 mile section of the existing A127/B128W 115 kV transmission lines in Vermont and an approximately 64.8 mile section of the existing lines in Massachusetts. The proposed project encompasses the 2.5 mile section in the towns of Readsboro and Whitingham, Vermont. The proposed project will also include four pole structure replacements and foundation reinforcements for one pole structure. Farrrell pf. at 1-2 and 8-9.

3. The existing transmission lines, including the shield wires, which provide lightning protection, were constructed in the 1920's. The Vermont section of the A127/B128W line runs from the Harrimand substation in Readsboro and travels through Whitingham to the Massachusetts border. The Massachusetts section terminates in Leicester, Massachusetts. Exh. WC-2 at 4; Farrell pf. at 3-5; letter of February, 17, 2011, from Nancy S. Malmquist, Esq., on behalf of NEP, to Susan Hudson, Clerk of the Board at 2.

4. The proposed project's configuration and phasing of the A127/B128W line will be identical to the present-day configuration. Farrell pf. at 11.

5. In Vermont, the A127/B128W line is located on a private right-of-way ("ROW") that varies between 200 and 300 feet wide. Farrell pf. at 3; exh. JTF-2.

6. The existing conductor is vintage 4/0 copper conductor. Testing has indicated a reduction in the tensile capacity of the existing conductor which results in the conductor exceeding NEP's tension limits and approaching the tension limits set in the 2007 National Electrical Safety Code ("NESC"). The Project is needed to address the deterioration of the conductor and to comply with governing code, not due to a lack of capacity on the A127/B128W line. Farrell pf. at 5; exh. JTF-3; letter of February, 17, 2011, from Nancy S. Malmquist, Esq., on behalf of NEP, to Susan Hudson, Clerk of the Board at 3-4.

7. The proposed project will replace the existing conductor with non-specular 477 aluminum conductor composite-reinforced ("ACCR") "Hawk" conductor, which NEP determined would be the most cost-effective solution for alleviating existing non-conformities with the NESC at normal thermal operating limits. The 477 ACCR "Hawk" will allow for the greatest number of existing structures to be re-used without introducing the need for intermediate structures. Farrell pf. at 5 and 10; exh. JTF-3; letter of February, 17, 2011, from Nancy S. Malmquist, Esq., on behalf of NEP, to Susan Hudson, Clerk of the Board at 3-4.

8. The existing shield wire over both circuits is 7/16" double galvanized crucible steel shield wire with a diameter of 0.435 inches and a weight per foot of 0.399 pounds with a rated breaking strength of 14,500 pounds. The existing shield wire is approaching the end of its useful life. To mitigate the risk of potential shield-wire failures, which can negatively impact reliability and pose a safety hazard, NEP has determined that it would be cost effective to replace the shield

wires in conjunction with recondutoring the A127/B128W line. Letter of February, 17, 2011, from Nancy S. Malmquist, Esq., on behalf of NEP, to Susan Hudson, Clerk of the Board at 2-3.

9. The proposed project will replace the existing shield wire over the A127 circuit with a 48-count fiber optic ground wire that has a diameter of 0.472 inches, a weight of 0.307 pounds per foot, and a rated breaking strength of 15,933 pounds. The proposed project will replace the existing shield wire over the B128 circuit with a 3/8" extra-high-strength steel shield wire that has a diameter of 0.360 inches, a weight of 0.273 pounds per foot, and a rated breaking strength of 15,400 pounds. Farrell pf. at 5; letter of February, 17, 2011, from Nancy S. Malmquist, Esq., on behalf of NEP, to Susan Hudson, Clerk of the Board at 3.

10. To accommodate the replacement shield wires, the proposed project will add tower bayonets to the existing towers, extending approximately five feet above the existing structures. The bayonet will provide viable attachment points for the shield wires and will also increase the shielding angle and provide for faster construction. Farrell pf. at 7; exh. JTF-4.

11. The majority of the existing pole structures on the A127/B128W line are steel double-circuit lattice tower structures; however, other structure types exist on these lines, including double-circuit steel pole H-Frame structures and single-circuit tap structures. Farrell pf. at 4; exh. JTF-2.

12. The proposed project will include the replacement of four pole transmission structures (Structures 1, 3, 7, and 11) within the existing ROW. Structures 3, 7, and 11 will be replaced so that the electrified conductor clearance-to-ground criteria set forth in the NESC are met under the governing load conditions. Structure 1 will be replaced due to a lack of structural integrity to support the new conductor loadings. Farrell pf. at 4 and 6; exhs. WC-2.

13. The proposed replacement structures will be moved either thirty feet ahead or back from the existing structure locations to enable safe working clearances to the existing structure while the proposed replacement structures are constructed, since the A127 and B128 lines cannot be taken out of service at the same time. The typical existing structures are approximately fifty-five feet high and the replacement structures will be approximately eighty-six feet high. The heights of the replacement structures will be no more than thirty-five feet higher above-ground than the existing structures. Farrell pf. at 6; exhs. JTF-2 and 4.

14. The existing Structure 1 is a double-circuit lattice tower and will be replaced with two galvanized steel three-pole dead-end pull-off structures to better accommodate the line angle and allow for the footprint of the new structures to be set outside of the existing structure's footprint while remaining within the ROW. The placement will allow for faster construction and will alleviate concerns of overburdening the existing bus work in the Harriman Substation by reducing tension span in the conductor. Farrell pf. at 7; exh. JTF-4 at 1.

15. The proposed project necessitates, and will include, the installation of foundation reinforcements for Structure 2. The foundation reinforcements will provide the required resistance to uplift forces and overturning moments at the base of the structure imposed by the new conductor loading conditions. The foundation reinforcements will include the installation of four (one for each leg of the existing lattice tower), ten-foot-wide by ten-foot-wide concrete bocks to supplement the existing grillage foundations. Farrell pf. at 8-9.

16. The proposed project also necessitates the reinforcement of all existing lattice towers to ensure their adequate structural capacity to support the new conductor loading. The reinforcement will primarily include replacing the existing bolts with higher strength bolts, installing a secondary section of angle steel to reinforce an existing member, or installing a new angle member of greater thickness or leg length. Farrell pf. at 5-6 and 8.

Orderly Development of the Region

[30 V.S.A. § 248(b)(1)]

17. The proposed project will not unduly interfere with the orderly development of the region, with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality. This finding is supported by findings 18 through 21, below.

18. Although the proposed project is located in Bennington County, the town of Readsboro is covered by the Windham Regional Plan, not the Bennington Regional Plan. Findlen pf. at 5.

19. NEP provided plans for the proposed project to the Windham Regional Commission ("WRC"), the Readsboro and Whitingham Planning Commissions, and the Readsboro and Whitingham Selectboards on November 10, 2010. Findlen pf. at 4.

20. The proposed project will be consistent with the relevant provisions of the Readsboro Town Plan, the Whitingham Town Plan, and the Windham Regional Plan. The proposed project will maintain electric reliability by replacing existing transmission line and transmission structures within an existing, cleared ROW. In addition, the project, by minimizing the environmental impacts of construction activities and avoiding impacts to aesthetics and historic resources, remains consistent with the concerns raised in the towns' plans and the Windham Regional Commission's plan regarding the natural beauty and historic and environmental resources of the towns. Findlen pf. at 5-10; exh. SF-2-4; *see also* findings under criterion 30 V.S.A. § 248(b)(5).

21. The proposed project will not adversely affect the areas designated as scenic resources or the land conservation measures contained in the plan of any affected municipality. Findlen pf. at 10-11; exhs. SF-2-4.

Discussion

WRC filed comments with the Board regarding the proposed project's potential impacts on the orderly development of the region.[1] WRC highlighted sections of the Windham Regional Plan that address environmental impacts, including a specific policy recommendation that energy generation, transmission and distribution projects:

> a. Adhere to a high environmental standard that include avoiding negative environmental impacts to the extent possible and adequately minimizing and mitigating those that cannot be avoided;

WRC stated that NEP's proposed conditions regarding wetlands and invasive species "work toward addressing WRC's concerns." WRC requested that the Board include certain proposed findings of NEP's PFD as conditions to minimize the potential physical impacts of the

1. Letter of March 3, 2011, from L. Christopher Campany, on behalf of WRC, to the Board.

proposed project on wetlands and the potential introduction of invasive plant species to the area.[2] We have included the requested findings, below, under criterion 30 V.S.A. § 248 (b)(5) (Findings 70 and 99), and we conclude that NEP's agreement to include those findings and the Board's inclusion of those findings as conditions of the CPG, addresses WRC's concerns.[3]

Need for Present and Future Demand for Service

[30 V.S.A. § 248(b)(2)]

22. The proposed project is required to meet the need for present and future demand for service which could not otherwise be provided in a more cost-effective manner through energy conservation programs and measures and energy-efficiency and load management measures. This finding is supported by findings 23 through 25, below.

23. Although the proposed project will increase the capacity of the line, the need for the proposed project is not driven by new electrical demand. The proposed project is driven by the need to: (1) replace transmission line components nearing the end of their useful lives; (2) improve substandard clearance-to-ground conditions; and (3) improve electric reliability by reducing danger from lightning events. Findlen pf. at 3; letter of February, 17, 2011, from Nancy S. Malmquist, Esq., on behalf of NEP, to Susan Hudson, Clerk of the Board at 2-3.

24. Third-party testing indicated a reduction in the tensile capacity of the existing conductor, which results in the conductor exceeding NEP's tension limits and approaching the tension limits set forth in the National Electrical Safety Code. Exh. JTF-3; letter of February, 17, 2011, from Nancy S. Malmquist, Esq., on behalf of NEP, to Susan Hudson, Clerk of the Board at 3.

25. Given the deteriorated state of the conductor and the need to comply with governing code, the need for the proposed project cannot otherwise be addressed through energy conservation or load control measures. Findlen pf. at 3-4; exh. JTF-3; letter of February, 17,

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2. NEP's original proposed condition regarding practices to avoid introducing populations of invasive species was revised by NEP, based on its discussions with (and comments NEP received directly from) the WRC, and the revised condition was reviewed and approved by WRC. Letter of March 29, 2011, from Nancy S. Malmquist, Esq., to Susan Hudson, Clerk of the Board. The revision is included in Finding 99 and Condition 9 of this Order and Condition 8 of the accompanying CPG.

3. *See* Conditions 7 and 9 of this Order and Conditions 6 and 8 of the accompanying CPG.

2011, from Nancy S. Malmquist, Esq., on behalf of NEP, to Susan Hudson, Clerk of the Board at 3.

System Stability and Reliability

[30 V.S.A. § 248(b)(3)]

26. The proposed project will not have an adverse impact on system stability or reliability. Instead, the project will improve system reliability and maintain system stability by replacing transmission line components nearing the end of their useful service lives, and by improving the lightning protection provided on the line. Lazuline pf. at 3.

Economic Benefit to the State

[30 V.S.A. § 248(b)(4)]

27. The proposed project will result in an economic benefit to the state and its residents. This finding is supported by findings 28 through 31, below.

28. The proposed project will provide economic benefit to Vermont by increasing electrical capacity and improving reliability. Maintaining reliability in the electric transmission system is important for attracting business and ensuring public safety. Findlen pf. at 11.

29. The proposed project will install new assets in Vermont, which will increase the amount of taxes paid to Readsboro and Whitingham. Findlen pf. at 12.

30. The Massachusetts and Vermont projects are estimated to cost $82.7 million. The Vermont portion of the total is $6.6 million; the Massachusetts portion is $76.1 million dollars. Letter of February, 17, 2011, from Nancy S. Malmquist, Esq., on behalf of NEP, to Susan Hudson, Clerk of the Board at 2.

31. The A127/B128W line is an Independent System Operator of New England ("ISO-New England") Pool Transmission Facility and, as such, all costs associated with the proposed project will be placed into regional rates and all Regional Network Service ("RNS") customers will share in the cost in accordance with the RNS load ratio share. Letter of February, 17, 2011, from Nancy S. Malmquist, Esq., on behalf of NEP, to Susan Hudson, Clerk of the Board at 2.

Aesthetics, Historic Sites, Air and Water Purity, the Natural Environment and Public Health and Safety

[30 V.S.A. § 248(b)(5)]

32. The proposed project will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment and public health and safety. This finding is supported by findings 33 through 100, below, which are the criteria specified in 10 V.S.A. §§ 1424(a)(d) and 6086(a)(1)-(8)(A) and (9)(K).

Public Health and Safety

[30 V.S.A. § 248(b)(5)]

33. The proposed project will not have any undue adverse impacts on public health or safety and will improve line tension and replace lightning protection shield wire that is reaching the end of its useful life. The proposed project will ensure compliance with the current NESC. Exh. WC-2 at 4; Findlen pf. at 15; letter of February, 18, 2011, from Nancy S. Malmquist, Esq., on behalf of NEP, to Susan Hudson, Clerk of the Board.

Discussion

To ensure that the proposed project will not have any undue adverse impacts on public health or safety, we will include a condition requiring that the proposed project be designed and constructed in compliance with the requirements of the NESC.

Outstanding Resource Waters

[10 V.S.A. § 1424(a)(d)]

34. The proposed project's ROW is not located near or within any outstanding resource waters. Exh. SPD-2 at 5.

Air Pollution

[10 V.S.A. § 6086(a)(1)]

35. The proposed project will not result in undue air pollution. Damiano pf. at 10. This finding is supported by findings 36 and 37, below.

36. The proposed project will not result in undue air pollution. Operation of the proposed project will not create emissions and construction will create only minimal air emissions from construction equipment and vehicles. In addition, NEP will utilize water to control dust and will not burn any vegetation in the ROW. Damiano pf. at 8-9.

37. The proposed project will not result in undue noise pollution. Construction equipment will generate some noise. However, increased sound levels will likely go unnoticed given the ROW's remoteness from the nearest residences and that noise will only occur for short durations during construction. Damiano pf. at 9.

Water Pollution

[10 V.S.A. § 6086(a)(1)]

38. The proposed project will not result in undue water pollution and will comply with applicable regulations adopted by the Department of Environmental Conservation ("DEC"). Damiano pf. at 10. This finding is supported by findings 39 through 46 and findings under the criteria of 10 V.S.A. §§ 6086(a)(1)(A) through (G), below.

39. The proposed project will involve minimal excavation, soil disturbance, and potential stormwater runoff and sedimentation for the replacement of four pole structures and the construction of new foundation reinforcements for one structure. Damiano pf. at 9; Farrell pf. at 6.

40. The proposed project will not involve the point discharge of waste or process water, or polluted storm water. Damiano pf. at 9.

41. NEP will comply with all applicable DEC regulations. Damiano pf. at 10; exh. SPD-2 at 16.

42. The proposed project's construction is considered a "moderate risk" and triggers the need for coverage under VT General Permit 3-9020-2008 (*Construction General Permit for*

Stormwater Discharges Associated with Construction Activities). Damiano pf. at 10; exh. SPD-2 at 16.

43. In accordance with the requirements of Vermont General Permit 3-9020-2008, NEP will prepare and comply with a site-specific Erosion Prevention and Sediment Control Plan ("EPSC Plan") that conforms to *The Vermont Standards and Specifications for Erosion Prevention and Sediment Control (2008)*. Damiano pf. at 10; exh. SPD-2 at 16.

44. Prior to finalizing the EPSC Plan for the proposed project, NEP will review site-specific plans and specifications with the DEC and confirm that the proposed project is eligible for coverage as a "moderate risk" project and conforms to all applicable construction standards and specifications. Exh. SPD-2 at 16.

45. NEP will prepare and implement applicable construction best management practices ("BMPs") as outlined in Sections 5.0 and 10.00 of NEP's *Environmental Guidance, Doc. No. EG303* and the Vermont Wetland Rules guidance, Section 6.08 *BMPs for Repair and Maintenance of Overhead Utilities*. Damiano pf. at 10 and 13.

46. The proper implementation and maintenance of the EPSC Plan and BMPs will ensure that the proposed project construction activities are conducted in a manner that will not cause unreasonable soil erosion, will not reduce capacity of the land to hold water, and will protect water quality and the natural environment. NEP's EPSC Plan will include standard and site-specific practices that prevent direct stormwater discharges during construction activities. Damiano pf. at 10.

Discussion

The conclusion that the proposed project will not result in undue water pollution is based upon NEP's: (a) receipt of, and compliance with, a Construction Stormwater Permit; (b) development of, and compliance with, an appropriate EPSC Plan; and (c) compliance with applicable BMPs. Therefore, prior to construction, NEP must file with the Board a copy of its Vermont General Permit 3-9020-2008, and must file its EPSC Plan with the Board for Board approval. In addition, NEP must implement appropriate construction BMPs as outlined in Sections 5.0 and 10.00 of NEP's *Environmental Guidance, Doc. No. EG303* and the Vermont Wetland Rules guidance, Section 6.08 *BMPs for Repair and Maintenance of Overhead Utilities*.

Headwaters

[10 V.S.A. § 6086(a)(1)(A)]

47. The proposed project will not have an undue adverse impact on any headwaters. This finding is supported by findings 48 through 50, below and the findings under criterion 10 V.S.A. § 6086(a)(1)(E).

48. There are no structures located in, or in close proximity to, headwater streams. Exh. SPD-2 at 6.

49. NEP will avoid headwater streams and drainage areas to the extent practical during construction. Where project construction necessitates crossing a headwater stream NEP will utilize temporary watercourses, temporary timber-mat bridges, or similar practices to avoid affecting stream banks, streambeds, and stream flow during construction. Exh. SPD-2 at 6.

50. NEP will utilize BMPs, including site-specific erosion and sediment controls, to avoid construction-related stormwater runoff to headwaters. Exh. SPD-2 at 6.

Waste Disposal

[10 V.S.A. § 6086(a)(1)(B)]

51. The Project will meet applicable Department of Health and DEC regulations for the disposal of wastes, and will not involve the injection of waste materials or any harmful or toxic substances into ground water or wells. Damiano pf. at 11; exh. SPD-2 at 16.

Water Conservation, Sufficiency of Water, and Burden on Existing Water Supply

[10 V.S.A. §§ 6086(a)(1)(C),(a)(2) and (3)]

52. The proposed project will not impact water conservation measures, affect the sufficiency of water, or create a burden on existing water supply. The finding is supported by findings 53 and 54, below.

53. If necessary during construction, water will be used for dust control on the unpaved access roads and around the disturbed structure work sites. Damiano pf. at 9.

54. During construction, water will also be used for the construction crews and potentially for cooling drill heads used for coring out the ledge of foundations. Findlen pf. at 12; Damiano pf. at 11.

Discussion

NEP anticipates that there will be sufficient water to support its water needs[4] and also indicated that water would be brought to the site in small storage tanks.[5] Since NEP was unclear about whether there is an existing water supply on-site sufficient to meet its needs during construction, to the extent NEP uses any water, we will require NEP to truck in water from an appropriate off-site source.

Floodways

[10 V.S.A. §§ 6086(a)(1)(D)]

55. The proposed project will not involve development within floodways or floodway fringes. Exh. SPD-2 at 7.

Streams

[10 V.S.A. §§ 6086(a)(1)(E)]

56. The proposed project will result in no undue or adverse impacts on streams. This finding is supported by findings 57 through 60, below.

57. There are two mapped perennial streams that traverse the proposed project's ROW. Exh. SPD-2 at 8.

58. Barrows Brook is a perennial stream located between existing Structures 8 and 9 and is associated with Wetland 7K. Barrows Brook is located within a deep, steep-sided ravine that is inaccessible by construction vehicles. The proposed project will avoid crossing this stream by using an alternate access road. Exh. SPD-2 at 8.

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4. Findlen pf. at 12.
5. Damiano pf. at 11.

59. Another perennial stream, which is a tributary of Barrows Brook, is located between the existing Structures 16 and 17 and borders Wetland 7F. It is a headwater stream located 1,500 feet above sea level. Exh. SPD-2 at 8.

60. Project construction necessitates crossing the tributary of Barrows Brook. At the proposed stream crossing, the stream consists of exposed bedrock and cobble and may be intermittent during consistent dry periods. If flow is present at the time of the necessary crossing, NEP will use a timber-mat bridge to cross the stream with vehicular equipment and will place temporary mats to bridge the stream, allowing the stream to maintain flow and avoid alteration. Exh. SPD-2 at 8.

Shorelines

[10 V.S.A. § 6086(a)(1)(F)]

61. The proposed project will, insofar as possible, retain all shorelines and waters in their natural condition, allow continued access to the waters and the recreational opportunities provided by the waters, retain or provide vegetation which will screen the proposed project from the waters, and stabilize the bank from erosion, as necessary, with vegetation cover. This finding is supported by findings 62 through 64, below, and the findings under criteria 10 V.S.A. §§ 6086(a)(1) and (a)(4).

62. The proposed project involves connecting the new conductor and shield wire to the Harriman Substation associated with the Harriman Hydroelectric Development, which is located on the eastern bank of the Deerfield River. The proposed project also involves replacing Structure 1 and installing foundation reinforcements for Structure 2, which are both located approximately 300 hundred feet from the eastern bank of the Sherman Reservoir (created by the dam associated with the Harriman Hydroelectric Development). Farrell pf. at 7-9; exhs. JTF-5 and 7, SAO-2 at 7-8 and 10, and SAO-3.

63. Although an existing power line crosses the Deerfield River to connect to the Harriman Substation, the A127/B128 line originates at the Harriman Substation and then heads south and does not cross the Deerfield River, the Sherman Reservoir, or any other shoreline resource. Farrell pf. at 4; exhs. JTF-5 and 7 and SPD-2 at 9.

64. The A127/B128W line ROW was cleared around 1922 and has been maintained as a utility ROW under NEP's vegetation management program since that time. The proposed project will not expand the existing ROW or involve forest habitat clearing. Exh. SPD-2 at 4 and 18.

Discussion

Pursuant to 10 V.S.A. § 6001(17), a shoreline is defined as follows:

> 'Shoreline' means the land adjacent to the waters of lakes, ponds, reservoirs and rivers. Shorelines shall include the land between the mean high water mark and the mean low water mark of such surface waters.

The Environmental Board has in previous rulings interpreted the statutory definition of a shoreline, and has determined that shorelines are not limited to the area located between the mean high water mark and the mean low water mark of such surface waters, but rather, may include lands that are adjacent to and a considerable distance from the water body itself. The Environmental Board has not established specific horizontal limits that define a shoreline, especially when considering river shorelines. *See Josiah E. Upton, Quiet River Campground, Land Use Permit #3W0819 (Revised)-EB,* Docket #765, FCO of 5/18/01 at 15.

We conclude that the proposed connection of the new conductor and shield wire to the Harriman Substation associated with the Harriman Hydroelectric Development, which is located on the eastern bank of the Deerfield River, will occur within the shoreline.

We also conclude that the proposed replacement of Structure 1 and the proposed installation of foundation reinforcements for Structure 2, which are both located approximately 300 hundred feet from the eastern bank of the Sherman Reservoir, have the potential to impact the values sought to be protected by the shoreline criterion.

Pursuant to 10 V.S.A. § 6086(a)(1)(F):

> A permit will be granted whenever it is demonstrated by the applicant that, in addition to all other criteria, the development or subdivision of shorelines must of necessity be located on a shoreline in order to fulfill the purpose of the development or subdivision, and the development or subdivision will, insofar as possible and reasonable in light of its purpose:
>
> > (i) retain the shoreline and the waters in their natural condition;
> > (ii) allow continued access to the waters and the recreational opportunities provided by the waters;

(iii) retain or provide vegetation which will screen the development or subdivision from the waters; and
(iv) stabilize the bank from erosion, as necessary, with vegetation cover.

No party has questioned whether the proposed project "must of necessity be located on a shoreline in order to fulfill the purpose" of the proposed project or whether the proposed project will affect the subcriteria of 10 V.S.A. § 6086(a)(1)(F). However, given that the proposed project will occur entirely within the existing transmission ROW[6] and will implement a site-specific EPSC Plan and appropriate soil erosion BMPs,[7] we conclude that the proposed project is consistent with the requirements of 10 V.S.A. § 6086(a)(1)(F) and will not change existing impacts on the shorelines of the Deerfield River or the Sherman Reservoir.

Wetlands

[10 V.S.A. § 6086(a)(1)(G)]

65. The proposed project will have no undue adverse impacts to identified wetlands. This finding is supported by findings 66 through 72, below, and findings 38 and 46, above.

66. There are a total of nineteen (19) mapped federal and state wetland areas in the proposed project's ROW and four mapped federal wetlands that cross an off-ROW access road for the project. Within the ROW there are three Class II wetlands and sixteen Class III wetlands. Within the off-ROW access road area there are four Class III wetlands. Damiano pf. at 7; exh. SPD-2 at 11.

67. The proposed project qualifies as maintenance activities within the meaning of the Vermont Wetland Rules and, as such, is an allowed use that does not require a Conditional Use Determination ("CUD") for the activities in the project ROW. Damiano pf. at 7; exh. SPD-2 at 14.

68. The proposed project requires a Category 2 Programmatic General Permit from the United States Army Corps of Engineers ("ACOE") for work in one Class III wetland (Wetland

6. *See* Finding 64.
7. *See* findings under criteria 10 V.S.A. §§ 6086(a)(1) and (a)(4).

7J) and for the use of temporary fill access across eleven Class III wetlands in the ROW and within the off-ROW access road. Damiano pf. at 7-8; exh. SPD-2 at 14.

69. NEP's EPSC Plan will ensure the protection of wetlands from unintended runoff and sedimentation during construction. Damiano pf. at 10; exhs. SPD-2 at 13 and 16.

70. Adverse effects on the wetlands during the excavation and access will be mitigated by employing appropriate construction BMPs for working in wetlands as outlined in Sections 5.0 and 10.00 of NEP's *Environmental Guidance, Doc. No. EG303*, as well as applicable BMPs outlined in the Vermont Wetland Rules guidance, Section 6.08 *BMPs for Repair and Maintenance of Overhead Utilities*. Damiano pf. at 10 and 13.

71. In addition, to the extent practical, NEP will access and conduct work activity in wetlands during frozen or dry conditions, or with the use of construction matting and low-ground-pressure vehicles to minimize the potential for rutting, soil compaction, and vegetation root damage. Damiano pf. at 7 and 13.

72. Construction mats will also be used for staging equipment in wetlands at existing Structures 2, 11, and 14. NEP will implement dewatering procedures that prevent direct discharges into wetlands and streams. Damiano pf. at 13.

Discussion

The conclusion that the proposed project will not result in undue adverse impacts to identified wetlands is based upon NEP's receipt of, and compliance with, a Category 2 Programmatic General Permit from the ACOE. NEP stated that it would seek this permit at the same time it was applying for a CPG from the Board.[8] Prior to construction, NEP must file with the Board a copy of its Category 2 Programmatic General Permit from the ACOE.

In addition our conclusion is based upon NEP's use of appropriate construction BMPs for working in wetlands as outlined in Sections 5.0 and 10.00 of NEP's *Environmental Guidance, Doc. No. EG303*, as well as applicable BMPs outlined in the Vermont Wetland Rules guidance, Section 6.08 *BMPs for Repair and Maintenance of Overhead Utilities*.[9] Therefore, NEP shall comply with the BMPs as outlined in Sections 5.0 and 10.00 of NEP's own *Environmental*

8. Damiano pf. at 8.
9. Damiano pf. at 10 and 13.

Guidance, Doc. No. EG303 and the Vermont Wetland Rules guidance, Section 6.08 *BMPs for Repair and Maintenance of Overhead Utilities*.

Soil Erosion

[10 V.S.A. § 6086(a)(4)]

73. The proposed project will not result in unreasonable soil erosion or a reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result. This finding is supported by findings 74 through 77, below, and findings 38 through 46, above.

74. The proposed project's potential for stormwater runoff, erosion, and sedimentation will be minimal. Damiano pf. at 10.

75. NEP will assign an Environmental Monitor to inspect the field conditions during access and construction activities, provide "look ahead" walkovers with the construction supervisor, recommend BMPs, and ensure compliance with the EPSC. The Environmental Monitor will conduct and document weekly inspections during construction. Damiano pf. at 12; exh. SPD-2 at 15.

76. NEP will implement appropriate soil-erosion BMPs to prevent erosion on exposed steep slopes and access roads. BMPs that may be implemented include, but are not limited to: the use of gravel in steep rutted areas that could exacerbate erosion; water bars at appropriate intervals to manage the concentration of flows in roadways; and the use of mulched and/or seeded drainage swales adjacent to roadways to convey flows on steep sections of roadway. Damiano pf. at 12; Exh. SPD-2 at 15.

77. At proposed structure replacement work sites, erosion control barriers (either silt fence or staked haybales, or both) and any other applicable BMPs will be used at the discretion of the Environmental Monitor to prevent erosion. Exh. SPD-2 at 16.

Transportation Systems

[10 V.S.A. § 6086(a)(5)]

78. The proposed project will not cause unreasonable congestion or unsafe conditions with respect to use of highways, waterways, railways, airports and airways, and other means of transportation existing or proposed. This finding is supported by findings 79 through 81, below.

79. The proposed project will include the installation of the conductor over three public roads in Vermont. In Readsboro, the proposed project will cross Harriman Station Drive. In Whitingham, the proposed project will cross Lone Pine Road and Merrifield Road. However, these transportation impacts will not cause unusual congestion or unsafe transportation conditions in the affected towns. Findlen pf. at 12-13.

80. Equipment and materials for the proposed project will be transported with conventional truck transport. NEP will coordinate any work that is anticipated to affect municipal roadways with local police, safety officials, and Departments of Public Works. No work will take place on interstate, state, or rural highway ROWs. NEP will notify the Vermont Department of Transportation or Vermont State Police if any deliveries require advance notification. Findlen pf. at 13.

81. The following practices will be employed in order to mitigate potential transportation-related impacts: (1) close coordination with local and state law enforcement to identify locations where traffic volume would dictate use of public safety personnel or others for traffic control; (2) preparation and implementation of traffic-management plans at high-traffic-volume locations; (3) placement of appropriate signage and temporary guard structures (wood poles with cross arms installed below the A127/B128W conductors) or bucket trucks, with booms horizontally extended under the conductors, to ensure that conductors are not allowed to sag to within unsafe clearances (as determined by the NESC) above roadways during conductor-stringing operations. Findlen pf. at 13-14.

Discussion

NEP has agreed to mitigate potential transportation-related impacts through

(1) close coordination with local and state law enforcement to identify locations where traffic volume would dictate use of public safety personnel or others for

> traffic control; (2) preparation and implementation of traffic-management plans at high-traffic-volume locations; (3) placement of appropriate signage and temporary guard structures (wood poles with cross arms installed below the A127/B128W conductors) or bucket trucks, with booms horizontally extended under the conductors, to ensure that conductors are not allowed to sag to within unsafe clearances (as determined by the NESC) above roadways during conductor-stringing operations.[10]

Given that the proposed project involves the installation of the conductor over three public roads,[11] we will require that NEP (1) use appropriate public safety personnel or other appropriate persons for traffic control during the installation of such conductors; (2) prepare and implement traffic-management plans at high-traffic-volume locations; and (3) place appropriate signage and temporary guard structures (wood poles with cross arms installed below the A127/B128W conductors) or bucket trucks, with booms horizontally extended under the conductors, to ensure that conductors are not allowed to sag to within unsafe clearances (as determined by the NESC) above roadways during conductor-stringing operations.

Educational Services

[10 V.S.A. § 6086(a)(6)]

82. The proposed project will not cause any unreasonable burden on the ability of any municipality to provide educational services. Because no additional permanent jobs will be created by or following the proposed project, no additional school children will be added to the local school systems. Findlen pf. at 19.

Municipal Services

[10 V.S.A. § 6086(a)(7)]

83. The proposed project will not cause any unreasonable burden on the municipalities to provide municipal or governmental services. Findlen pf. at 19-20.

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10. Findlen pf. at 13-14.
11. Findlen pf. at 12-13.

Aesthetics, Historic Sites

and Rare and Irreplaceable Natural Areas

[10 V.S.A. § 6086(a)(8)]

84. The proposed project will not have an undue adverse effect on the scenic or natural beauty, aesthetics, historic sites or rare and irreplaceable natural areas. This finding is supported by findings 85 through 94, below.

85. The proposed project will not have an adverse impact on the aesthetics of the surrounding area. The proposed project will involve the replacement of existing conductor with larger gauge conductor, the replacement of shield wires, the replacement of four pole structures, and the installation of foundation reinforcements of one pole structure within the existing transmission ROW. The project will only be visible from seven locations and will largely be screened by existing vegetation or obstructed by the hilly topography of the area. The proposed changes to pole structures will be difficult to detect and are likely to go unnoticed because they will only be visible from a distance and will not extend above the surrounding trees. Cudnohufsky pf. at 2-7; exh. WC-2; *see also* findings 6 through 14, above.

86. A Historic Architectural Reconnaissance Survey Report ("HAR Survey") was undertaken as part of NEP's E205W Project, Docket No. 7609, which shares the same transmission-line ROW as the proposed project. The HAR Survey identified one property, the Harriman Hydroelectric Development Substation that was determined eligible for listing in the Vermont State and National Registers of Historic Places ("State/National Registers"). The HAR Survey also identified two state-line monuments, marking the boundary established in the 1890s between Vermont and Massachusetts that are potentially eligible for listing in the State/National Registers. Olausen pf. at 4-5; exh. SAO-2.

87. The proposed project will not be visible from the two state-line monuments. The new shield wires and the reconductored lines will connect to the substation associated with the Harriman Hydroelectric Development; however, the connections will not result in the removal or alteration of any historic electrical equipment or otherwise alter the physical appearance or other characteristics of significance that make the property eligible for listing in the State/Historic Registers. Olausen pf. at 4; exh. SAO-2.

88. The proposed project will not adversely impact any historic properties currently listed on the State/National Registers. The proposed project shares the ROW with the E205W Project and has a similar design-scope as the E205W Project, which was assessed by the HAR Survey. The HAR Survey was submitted to the Vermont Division for Historic Preservation ("VDHP") on October 15, 2009. On February 25, 2010, VDHP verbally confirmed that, based on the survey, the E205W Project would not adversely impact historical properties. Olausen pf. at 5; exh. SAO-2.

89. Three archaeological reconnaissance surveys were undertaken within the ROW for the proposed project. Cherau pf. at 2-5; exh. SGC-2.

90. A Phase IA survey and Phase 1B survey were undertaken as part of NEP's E205W Project, Docket No. 7609, which shares the same transmission-line ROW and access roads as the proposed project. The E205W archeological surveys did not identify any archaeologically sensitive areas within the proposed project's shared ROW or within the shared access roads for the E205W project and the proposed project. Cherau pf. at 2-5; exhs. SGC-2 and 3.

91. A Phase IB survey was undertaken as part of the A127/128W Project ("A127/128W Phase1B Survey") for the areas of potential soil disturbance around Structure 1 (new structure and adjacent wire pull location) and Structure 14 (wire pull location), which were not assessed during the E205W Project surveys. The A127/128W Phase IB Survey identified the presence of one potentially significant archaeological site in the area of Structure 1. The site consists of structural remains and artifacts associated with the early twentieth-century Harriman Station Labor Camp and may be eligible for registry on the National Register. NEP will avoid and protect this site during the proposed project's construction. Cherau pf. at 3 and 5-6; exh. SGC-3.

92. The E205W Project Phase IA Survey was submitted to the VDHP on September 15, 2009. On October 2, 2009, VDHP verbally agreed with the Phase IA Survey's findings and recommendations. Subsequently, NEP provided the VDHP with the Phase IB surveys for the E205W and A127/128W projects. Cherau pf. at 6-7; exhs. SGC-4-7.

93. Based on the A127/128W Phase IB survey and NEP's commitment to avoid and/or protect archeologically sensitive areas, the proposed project will have no effect on archaeological sites. Exh. SGC-2 at 47.

94. The are no known rare and irreplaceable natural areas in the vicinity of the proposed project's ROW. Exh. SPD-2 at 18.

Discussion

Regarding above-ground historic resources, NEP stated that during a phone conversation, on February 4, 2011, with VDHP regarding the proposed project, VDHP stated that it "may, or may not, provide written confirmation of its assessment."[12] Given that VDHP did not file comments with the Board or request the inclusion of any historic-resource-related conditions, and based on the findings above, we conclude that NEP provided sufficient information to support a finding that the proposed project will not have an adverse impact on above-ground historic resources

Regarding below-ground historic resources, NEP's prefiled testimony stated that

> [t]he finding of adverse effects will be determined in consultation with the VDHP, based on their review and concurrence with . . . the Phase IB survey testing results for the A127/128W Project and recommendations for no further archeological investigation based on the agreed upon avoidance and protection of one identified archeological site at Structure 1 in the ROW.[13]

Although NEP provided VDHP with the Phase IB surveys for the E205W and A127/128W projects, NEP did not file testimony or exhibits that confirm the VDHP assessment of the proposed project. However, based on the findings above, NEP's agreement to protect and avoid the one potentially significant archaeological site,[14] and the lack of any comments from VDHP, we conclude that NEP provided sufficient information to support a finding that the proposed project will not have an adverse impact on below-ground historic resources.[15]

12. Letter of February, 17, 2011, from Nancy S. Malmquist, Esq., on behalf of NEP, to Susan Hudson, Clerk of the Board at 5.

13. Olausen pf. at 6.

14. Finding 91.

15. Findings 89-93.

Necessary Wildlife Habitat and Endangered Species

[10 V.S.A. § 6086(a)(8)(A)]

95. The proposed project will not have an undue, adverse impact on any necessary wildlife habitat and endangered species. This finding is supported by findings 96 through 99, below.

96. No known necessary wildlife areas or concerns exist within the proposed project ROW and the proposed project will not expand the existing ROW or involve forest habitat clearing. Exh. SPD-2 at 18.

97. The uncommon maleberry species (*Lyonia ligustrina*) was identified within the proposed project's ROW and was subsequently global positioning system located ("GPS located"), mapped, and reported to the Agency of Natural Resources. Letter of February 18, 2011, from Nancy S. Malmquist, Esq., on behalf of NEP, to Susan Hudson, Clerk of the Board at 1; exh. SPD-2.

98. NEP will avoid impacts to the uncommon maleberry species by re-flagging the population of this species found within the areas of potential effect prior to construction. In addition, NEP will conduct a "sweep survey" of muskflower (*Mimulus moschatu*) and auburn panic grass (*Dichanthelium acuminatum ssp. Columbianum*) where impacts are likely prior to construction. If these species are found, their populations will be GPS located, mapped and avoided. If impacts to any identified plants are unavoidable, the plant will be transplanted and/or seeds collected for propagation adjacent to the disturbed area. Letter of February, 18, 2011, from Nancy S. Malmquist, Esq., on behalf of NEP, to Susan Hudson, Clerk of the Board at 1-2; Exh. SPD-2.

99. NEP will implement practices to avoid introducing new populations of invasive species in the ROW, including the removal of soil and plant debris containing invasive noxious weed seeds from construction equipment prior to moving it onto the ROW work sites. In addition NEP will only use clean fill and straw for erosion control to minimize the potential to introduce invasive noxious plants and seeds as outlined in Sections 4.0 and 6.0 of NEP's *Environmental Guidance, Doc. No. EG303*. Exh. SPD-2 at 18.

Development Affecting Public Investments

[10 V.S.A. § 6086(a)(9)(K)]

100. The proposed project will not unnecessarily or unreasonably endanger the public or quasi-public investment in any public facilities, services or lands, or materially jeopardize or interfere with the function, efficiency, or safety of the public's use or enjoyment of or access to any such facility, service or lands. Findlen pf. at 15.

Least-Cost Integrated Resource Plan

[30 V.S.A. § 248(b)(6)]

101. NEP does not currently have an Integrated Resource Plan ("IRP"). However, NEP maintains a relationship with TransCanada Hydro Northeast ("TransCanada") and Island Corporation ("Island") wherein TransCanada and NEP deliver power to Island in exchange for the lease of certain mill powers. Findlen pf. at 16.

102. The proposed project is consistent with the principles of least-cost planning. The proposed project meets the public's need for energy services by maintaining system reliability at low economic costs and minimizing environmental impacts by limiting the need for new facilities. The proposed project is driven by the need to replace aging components on an existing facility and the elimination of substandard clearance to ground conditions, rather than by load growth in a specific geographic area; therefore a targeted demand-side management program or new generation does not constitute a practical alternative to the proposed project. Findlen pf. at 17.

Discussion

NEP does not currently have a Board-approved IRP. Even if NEP requires an IRP, pursuant to Section 218c, due to its relationship with TransCanada and Island, the lack of an IRP does not preclude the issuance of a CPG since the proposed project is consistent with the principles for resource selection pursuant to Section 248(b)(6). *Petitions of Vermont Electric Power Company, Inc. and Green Mountain Power Corporation*, Docket 6860, Order of 1/28/05 at 61; Public Act 259, § 8 (1992 Vt., Adj. Sess.).

Compliance with Electric Energy Plan

[30 V.S.A. § 248(b)(7)]

103. The proposed project is consistent with the *Vermont Electric Plan* ("the Plan"). This finding is supported by findings 104 through 106, below.

104. The Plan highlights the need for a reliable transmission system and notes the interconnectedness of the region's transmission lines. The Plan also notes that modern society "depend[s] on reliable electricity as an essential resource for national security, health and welfare, communications, finance, transportation, food and water supply, heating, cooling, lighting; computers and electronics; commercial enterprise; and even entertainment and leisure." Findlen pf. at 17-18.

105. The Plan does not specifically mention the Project, but does highlight (in section 7) the need for a reliable transmission system and notes the interconnectedness of the regions's transmission lines. The proposed project is a reliability project that will allow for the rebuilding, with minimal impact, of an important transmission line that provides electrical power to communities in southern Vermont. Findlen pf. at 17-18.

106. On March 8, 2011, the Department filed a letter stating that the Project is consistent with the *Vermont Electric Plan*, pursuant to 30 V.S.A. § 202(f). Letter from Louise C. Porter, Esq., to Susan Hudson, Clerk of the Board, filed March 8, 2011.

Outstanding Resource Waters

[30 V.S.A. § 248(b)(8)]

107. The proposed project's ROW is not located near or within any outstanding resource waters. Exh. SPD-2 at 5.

Waste to Energy Facilities

[30 V.S.A. § 248(b)(9)]

108. This criterion is not applicable because the proposed project is not a waste-to-energy facility. Findlen pf. at 18.

Existing or Planned Transmission Facilities

[30 V.S.A. § 248(b)(10)]

109. The proposed project will be served economically by existing or planned transmission facilities without undue adverse impact on Vermont utilities or customers. This finding is supported by findings 110 and 111, below.

110. The reconductored transmission lines will continue to be a part of transmission facilities that are already located in the area without any undue adverse effect on Vermont utilities or customers. Findlen pf. at 19.

111. The Project is expected to result in improved reliability, which will be a benefit for Vermont utilities and customers. Findlen pf. at 19.

IV. CONCLUSION

Based upon all of the above evidence, we conclude that the Project will be of limited size and scope; the petition does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248; the public interest is satisfied by the procedures authorized in 30 V.S.A. § 248(j); and the Project will promote the general good of the state.

V. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board ("Board") of the State of Vermont that:

1. The New England Power Company, d/b/a National Grid ("NEP"), by reconductoring and refurbishing a portion of its existing 115 kV transmission lines ("A127/B128 line") (the "Project") within the Towns of Readsboro and Whitingham, Vermont, will promote the general good of the State of Vermont in accordance with 30 V.S.A. § 248, and a certificate of public good to that effect shall be issued in this matter.

2. The Project shall be constructed in accordance with the evidence and plans submitted in these proceedings. Any material deviation from these plans must be approved by the Board.

3. Prior to proceeding with construction, NEP shall obtain all necessary permits and approvals. Construction, operation, and maintenance of the proposed Project shall be in

accordance with such permits and approvals, and with all other applicable regulations, including those of the Vermont Agency of Natural Resources and the U.S. Army Corps of Engineers ("ACOE").

4. The Project shall be designed and constructed in compliance with the requirements of the National Electrical Safety Code ("NESC").

5. Prior to construction, NEP shall file with the Board a copy its Vermont General Permit 3-9020-2008 and its Category 2 Programmatic General Permit from the ACOE.

6. Prior to construction, NEP shall file its Erosion Prevention and Sediment Control Plan with the Board for Board approval.

7. In constructing the Project, NEP shall comply with the best management practices ("BMPs") as outlined in Sections 5.0 and 10.00 of NEP's *Environmental Guidance, Doc. No. EG303* and the Vermont Wetland Rules guidance, Section 6.08 *BMPs for Repair and Maintenance of Overhead Utilities*.

8. To the extent NEP uses water for the construction of the proposed project, NEP shall truck in water from an appropriate off-site source.

9. NEP shall implement practices to avoid introducing new populations of invasive species in the right-of-way ("ROW"), including: the removal of soil and plant debris containing invasive noxious weed seeds from construction equipment prior to moving it onto the ROW work sites. In addition, NEP shall only use clean fill and straw for erosion control to minimize the potential to introduce invasive noxious plants and seeds as outlined in Sections 4.0 and 6.0 of NEP's *Environmental Guidance, Doc. No. EG303*.

10. During construction, NEP shall (1) use appropriate public safety personnel or other appropriate persons for traffic control during the installation of conductors that cross public roads; (2) prepare and implement traffic-management plans at high-traffic-volume locations; and (3) place appropriate signage and temporary guard structures (wood poles with cross arms installed below the A127/B128W conductors) or bucket trucks, with booms horizontally extended under the conductors, to ensure that conductors are not allowed to sag to within unsafe clearances (as determined by the NESC) above roadways during conductor-stringing operations.

Dated at Montpelier, Vermont, this 7th day of April, 2011.

s/ James Volz)
)
s/ David C. Coen) PUBLIC SERVICE BOARD OF VERMONT
)
s/ John D. Burke)

OFFICE OF THE CLERK

FILED: April 7, 2011

ATTEST: s/ Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.